

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JAMES ABATE, ANDREW BANG AND
D. WAYNE ROBINSON

Plaintiffs,

-against-

FIFTH THIRD BANK

Defendant.

13 Civ. 9078 (VSB)

ECF Case

**STIPULATION
TO BE SO ORDERED**

WHEREAS, the Court So-Ordered the Case Management Plan ("CMP") in this action on March 13, 2014;

WHEREAS, the CMP directs that fact discovery be completed no later than 180 days after resolution of Defendant's motion to dismiss;

WHEREAS, the Court denied Defendant's motion to dismiss on March 25, 2015, and 180 days from that date is September 20, 2015;

WHEREAS, during the conference on March 25, 2015, regarding the motion to dismiss, the Court stated that the CMP called for fact discovery to be completed in 240 days, ending in November 2015, rather than the 180 days in the CMP;

WHEREAS, the parties engaged in mediation in May 2015 that did not lead to a settlement;

WHEREAS, the parties have exchanged discovery requests and produced thousands of pages of documents to date; and

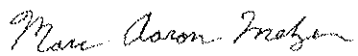
WHEREAS, the parties believe that additional time is needed to conduct full fact discovery in this action and seek to clarify the CMP in light of any ambiguity arising from the March 25, 2015, conference;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that:

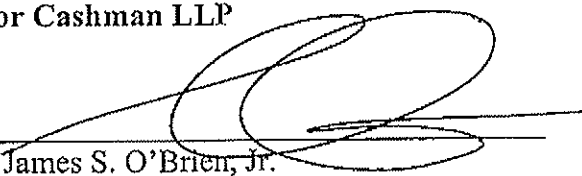
1. All fact discovery in this action shall be completed no later than Friday, December 4, 2015.
2. Any expert discovery shall be completed no later than Friday, February 5, 2016.

Dated: August 26, 2015
New York, New York


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SO ORDERED:


Vernon S. Broderick 8/31/2015 *mc*
United States District Judge

The conference previously scheduled for December 11, 2015, is adjourned until February 19, 2016 at 10:00am. The deadline for the joint status letter provided for in the Case Management Plan is adjourned until February 5, 2016 and the deadline for pre-motion letters, if any, is adjourned until February 10, 2016.